## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

JOHN LOPEZ,

Plaintiff,

-against-

JEFF MCCOY; MARK MILLER; MARLYN KOPP; BILLIE TUOHY; R. MUDGE; K. SHANNON; WILLIAM RANSOM; JHANDRY ZEVALLOS; A. PEIRE; KIERSTIN

KORNOWICZ,

Defendants.

25-CV-4584 (CS)
ORDER OF SERVICE

CATHY SEIBEL, United States District Judge:

Plaintiff, who currently is incarcerated at Green Haven Correctional Facility, brings this action, *pro se*, under 42 U.S.C. § 1983, alleging that his rights were violated at Green Haven. Plaintiff names as Defendants the following Green Haven administrative staff and officers: Superintendent Mark Miller; Deputy Commissioner of Programs Jeff McCoy; Deputy Superintendent of Programs Maryln Kopp; Deputy Superintendent of Health Service Billie Tuohy; Education Supervisor R. Mudge; School Teacher K. Shannon; and Correction Officers William Ransom, Jhandry Zevallos, A. Peire, and Kierstin Kornonowicz.

By order dated June 12, 2025, the Court granted Plaintiff's request to proceed *in forma* pauperis ("IFP"), that is, without prepayment of fees.<sup>1</sup>

<sup>&</sup>lt;sup>1</sup> Prisoners are not exempt from paying the full filing fee even when they have been granted permission to proceed IFP. *See* 28 U.S.C. § 1915(b)(1).

## DISCUSSION

Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service. Walker v. Schult, 717 F.3d. 119, 123 n.6 (2d Cir. 2013); see also 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all process . . . in [IFP] cases."); Fed. R. Civ. P. 4(c)(3) (the court must order the Marshals Service to serve if the plaintiff is authorized to proceed IFP)).

To allow Plaintiff to effect service on Defendants through the U.S. Marshals Service, the Clerk of Court is instructed to fill out a U.S. Marshals Service Process Receipt and Return form ("USM-285 form") for Defendants. The Clerk of Court is further instructed to issue summonses and deliver to the Marshals Service all the paperwork necessary for the Marshals Service to effect service upon Defendants.

If the complaint is not served within 90 days after the date summonses are issued, Plaintiff should request an extension of time for service. *See Meilleur v. Strong*, 682 F.3d 56, 63 (2d Cir. 2012) (holding that it is the plaintiff's responsibility to request an extension of time for service).

Plaintiff must notify the Court in writing if his address changes, and the Court may dismiss the action if Plaintiff fails to do so.

2

<sup>&</sup>lt;sup>2</sup>Although Rule 4(m) of the Federal Rules of Civil Procedure generally requires that a summons be served within 90 days of the date the complaint is filed, Plaintiff is proceeding IFP and could not have effected service until the Court reviewed the complaint and ordered that any summonses be issued. The Court therefore extends the time to serve until 90 days after the date any summonses issue.

## **CONCLUSION**

The Clerk of Court is instructed to issue a summons for each Defendant, complete the USM-285 form with the address for each Defendant, and deliver all documents necessary to effect service to the U.S. Marshals Service.

The Clerk of Court is directed to mail an information package to Plaintiff.

SO ORDERED.

Dated: July 1, 2025

White Plains, New York

Cothy Seifel CATHY SEIBEL

United States District Judge

## SERVICE ADDRESS FOR EACH DEFENDANT

- Superintendent Mark Miller Green Haven Correctional Facility 594 Rt. 216 Stormville, NY 12582-0010
- Deputy Commissioner of Programs Jeff McCoy Green Haven Correctional Facility 594 Rt. 216 Stormville, NY 12582-0010
- Deputy Superintendent of Programs Maryln Kopp Green Haven Correctional Facility 594 Rt. 216 Stormville, NY 12582-0010
- Deputy Superintendent of Health Service Billie Tuohy Green Haven Correctional Facility 594 Rt. 216 Stormville, NY 12582-0010
- 5. Education Supervisor R. Mudge Green Haven Correctional Facility 594 Rt. 216 Stormville, NY 12582-0010
- 6. School Teacher K. Shannon Green Haven Correctional Facility 594 Rt. 216 Stormville, NY 12582-0010
- 7. Correction Officer William Ransom Green Haven Correctional Facility 594 Rt. 216 Stormville, NY 12582-0010
- 8. Correction Officer Jhandry Zevallos Green Haven Correctional Facility 594 Rt. 216 Stormville, NY 12582-0010
- 9. Correction Officer A. Peire Green Haven Correctional Facility 594 Rt. 216 Stormville, NY 12582-0010

Correction Officer Kierstin Kornonowicz
 Green Haven Correctional Facility
 594 Rt. 216
 Stormville, NY 12582-0010